

Branigan, Terence

From: Bajor, John
Sent: Friday, November 18, 2016 9:41 AM
To: Branigan, Terence
Cc: Bahr, Ryan
Subject: FW: Legal Counsel
Attachments: ENV-ENFORCEMENT-.docx

Terry:

Exemption 5 Deliberative Process; Attorney Client



Thanks.

-Jack

From: Higginbotham, Paul [mailto:PHIGGINB@idem.IN.gov]
Sent: Wednesday, November 16, 2016 2:33 PM
To: Beth Admire <badmire@idem.IN.gov>; Bajor, John <bajor.john@epa.gov>; VOSS, LEIGH <LVOSS@idem.IN.gov>; Bahr, Ryan <bahr.ryan@epa.gov>
Cc: Novak, Paul <PNovak@idem.IN.gov>
Subject: RE: Legal Counsel

Agreed. Thanks Beth.

From: ADMIRE, BETH
Sent: Wednesday, November 16, 2016 9:15 AM
To: Bajor, John; VOSS, LEIGH; Bahr, Ryan
Cc: Higginbotham, Paul; Novak, Paul
Subject: RE: Legal Counsel

Jack:

Since we are working with their counsel, go ahead and put my info with Terry's. my phone number is (317) 232-8584. Thanks,
Beth

From: Bajor, John [mailto:bajor.john@epa.gov]
Sent: Wednesday, November 16, 2016 8:56 AM
To: VOSS, LEIGH; Bahr, Ryan
Cc: Higginbotham, Paul; Novak, Paul; ADMIRE, BETH
Subject: Re: Legal Counsel

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Thanks Leigh!

We appreciate your quick response and will prepare the letter with Paul Novak's signatory block in addition to the other items as mentioned.

As this is done, we will resend the amended letter to your attention for Paul's signature and favor you with a copy as it goes out.

Regards.

John J. "Jack" Bajor, Jr.
Environmental Engineer/ Enforcement Officer
Water Division
Water Enforcement & Compliance Assurance Branch
USEPA, Region 5
WC-15J; **Exemption 2 Internal Agency Rules**
77 W. Jackson Blvd.
Chicago, IL, 60604-3590
Phone: (312) 353-4633
FAX: (312) 886-6090
email: bajor.john@epa.gov

From: VOSS, LEIGH <LVOSS@idem.IN.gov>
Sent: Wednesday, November 16, 2016 7:40 AM
To: Bajor, John
Cc: Higginbotham, Paul; Novak, Paul; Beth Admire
Subject: FW: Legal Counsel

Jack, IDEM is fine with the letter. Jeffersonville has requested that the recipient of the letter be their in-house council, not the recipient at Faegre Baker Daniels that you have on the draft letter. See contact information below and attached. The superintendent of Jeffersonville (Len Ashack) has also requested to be cc'd on the letter.

The signatory for IDEM will be:

Paul Novak, Chief
Permits Branch
Office of Water Quality

Let me know if you have any questions.

Leigh

From: Higginbotham, Paul
Sent: Wednesday, November 16, 2016 8:07 AM
To: VOSS, LEIGH
Cc: Novak, Paul; ADMIRE, BETH
Subject: FW: Legal Counsel

Leigh – See the below. Can you relay the contact info to Jack Bajor at EPA as it relates to the letter they are drafting?

Thanks.

From: Len Ashack [<mailto:lashack@CityofJeff.net>]
Sent: Tuesday, November 15, 2016 4:10 PM
To: Higginbotham, Paul
Subject: Legal Counsel

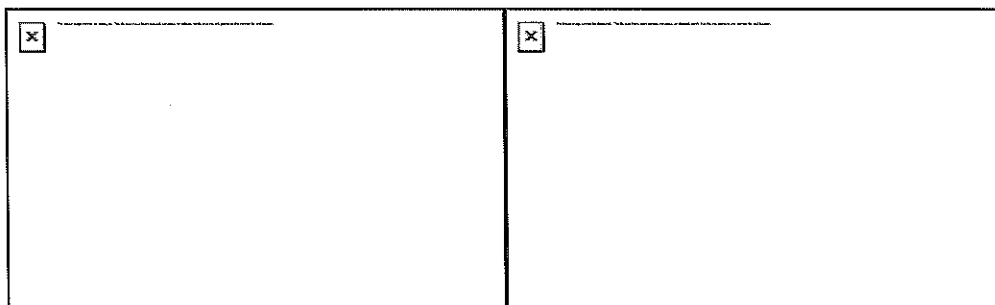
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Paul

I am attaching the contact information on our attorneys who will be the City's local representatives.

All correspondence should be directed to them and not Faegre Baker Daniels with a cc to me..

Please let me know if you need any additional information.



Len Ashack | Director
Jeffersonville Wastewater Department
River Ridge Commerce Center
423 Lewman Way
Jeffersonville, Indiana 47130
E-mail: lashack@cityofjeff.net
812.285.6451 Office
812.280.3880 Direct
502.639.0775 Cell



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

WC-15J

CERTIFIED MAIL 7014 2870 0001 9580 7900
RETURN RECEIPT REQUESTED

Mr. Scott Lewis
Sewer Board Attorney
530 Court Avenue
Jeffersonville, Indiana 47130

Re: City of Jeffersonville Financial Capability Assessment Update and Request for
Consultation Regarding Proposed Modification of the Long Term Control Plan.
Consent Decree #4:09-CV-0125DFH-WGH

Dear Mr. Lewis:

In a September 7, 2016 letter to the Indiana Department of Environmental Management (IDEM), you requested consultation with IDEM and with the U.S. Environmental Protection Agency (the Agencies) regarding a request for a proposed modification to the City of Jeffersonville's Long Term Control Plan (LTCP). Your letter included a request for a "10-year extension to complete its [Jeffersonville's] remaining projects under the current LTCP and further consultation to implement more economically feasible CSO levels of control for its LTCP." The City also provided an updated Financial Capability Assessment (FCA) dated September 2016.

In reviewing your request, the Agencies have identified information that we need to consider your proposal. Specifically, the Agencies request that the City provide the following information:

1. Provide an FCA aligned with the 10 year extension that you have proposed. The September 2016 FCA you sent IDEM aligns with the current LTCP schedule. In order to evaluate if a longer schedule is appropriate, the Agencies need an FCA evaluation of the proposed schedule.
2. Please clarify if, in addition to a 10 year extension, the City is requesting a change in the level of control required by the LTCP or a change in controls to be implemented. If the City is requesting either, please provide a detailed description of the changes that the City is requesting including a proposed schedule.

3. The City's request includes cost estimates of \$15 million for upgrades to meet the phosphorus discharge limit included in the City's draft National Pollutant Discharge Elimination System permit. Please provide the basis for these estimates and more detail about the proposed projects that are the basis for these estimates. Please also explain whether the estimates are based on projects to achieve the limit in the draft permit or a different level of control. Please provide the alternative approaches considered and the engineer's opinion of probable costs.

Finally, please communicate directly with both EPA and IDEM regarding any requested changes to the Federal Consent Decree or the LTCP. As EPA and IDEM receive more detailed information to evaluate your request, we will be in a position to have a more productive consultation as requested.

Your responses to items (1) through (3) above should be in writing and should be mailed to:

John "Jack" J. Bajor, Jr.
Enforcement Officer
U.S. EPA, Region 5 (WC-15J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

And Marc Hancock
CSO Project Manager, Compliance Branch
Office of Water Quality
Indiana Department of Environmental Management
100 North Senate Street
P.O. Box 6015
Indianapolis, Indiana 46206

For all other inquiries and communications directed to the EPA and IDEM concerning the City of Jeffersonville's updated FCA, the City's proposed modification of the Consent Decree and the LTCP approved under the Consent Decree, and all other related matters, please contact:

Terry Branigan
Associate Regional Counsel (C-14J)
U.S. EPA/Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604
(312) 353-4737 phone
branigan.terence@epa.gov

And Beth Admire
Office of Legal Counsel
Indiana Department of Environmental Management
100 N. Senate Avenue
Indianapolis, Indiana 46204-2273
(317) 232-8584 phone
BAdmire@idem.IN.gov

Sincerely,

Patrick F. Kuefler
Chief, Water Enforcement and Compliance Assurance
Branch, U.S. Environmental Protection Agency, Region 5

Paul Novak, Chief
Permits Branch
Office of Water Quality
Indiana Department of Environmental Management

cc: Beth Admire, IDEM
Leigh Voss, IDEM
Marc Hancock, IDEM
Nigel Cooney, Department of Justice
Terry Branigan, EPA
Len Ashack, Director, City of Jeffersonville Wastewater Department

Bcc: Bahr
Bajor
Branigan

